

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

**485-2013-00390**

**California Department Of Fair Employment & Housing**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Carolyn J. Glenn**

Home Phone (Incl. Area Code)

Date of Birth

**06-28-1948**

Street Address

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**CLOVIS UNIFIED SCHOOL DISTRICT**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(559) 327-9000**

Street Address

City, State and ZIP Code

**1450 Herndon Ave., Clovis, CA 93611**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐

RACE

☐

COLOR

☐

SEX

☐

RELIGION

☐

NATIONAL ORIGIN

☒

RETALIATION

☒

AGE

☐

DISABILITY

☐

GENETIC INFORMATION

☐

OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

**9-2009**

Latest

**07-01-2013**

☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s).)

I. I am employed as a Teacher at Jefferson Elementary School (Clovis Unified School District). Geoffrey Tiftick is the principal/supervisor at the school. I am 65 years old and am treated differently by Mr. Tiftick than younger employees, including but not limited to, derogatory comments about my age, grade reassignment, negative evaluations, reprimands regarding alleged misconduct, and unsafe working conditions. I complained about the different treatment to the district office; however, nothing changed. In April 2013, I signed my notice of intent to return for the 2013-2014 school year. Immediately thereafter, I was reassigned and replaced by a much younger individual.

II. No reason was given for the differential treatment.

III. I believe that I have been subjected to different terms/conditions of employment, discipline, and harassment because of my age, 65, in violation of the Age Discrimination in Employment Act of 1967, as amended. I believe I have been subjected to retaliation for opposing discrimination in violation of the Age Discrimination in Employment Act of 1967, as amended.

IV. I believe that other employees within the Clovis Unified School District have been subjected to different terms/conditions of employment and harassed because of age, in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.



July 24, 2013

Via E-mail, U. S. Mail and Certified

Mail

Ms. Amanda G. Hebesha  
Moss Tucker Attorneys at Law  
5260N. Palm Avenue, Suite 205  
Fresno, CA 93704

**Governing Board**

Sandra A. Bengel  
Christopher Casado  
Brian D. Heryford  
Ginny L. Hovseplan  
Richard Lake, C.P.A.  
Elizabeth J. Sandoval  
Jim Van Volkinburg, D.D.S.

RE: Response to Appeal to Formal Complaint

Dear Ms. Hebesha,

This letter responds to your June 18, 2013 appeal of the District's response to your formal complaint regarding Carolyn Glenn, which I also received on June 18, 2013. After not receiving a response from Mrs. Glenn to a message left on her voice mail the week of June 17<sup>th</sup>, you were contacted on June 25, 2013 and a meeting was arranged for July 11, 2013 when Mrs. Glenn was available. On July 11, 2013, I met with you and Mrs. Glenn as well as two other representatives from your law firm to review the exact nature of your concern. We agreed that I would respond back to you by July 25, 2013 with a conclusion and recommendation.

**Administration**

Janet L. Young, Ed.D.  
*Superintendent*  
Carlo Prandini, Ph.D.  
*Associate Superintendent*  
Cheryl Rogers, Ed.D.  
*Associate Superintendent*  
Steve Ward  
*Associate Superintendent*

Summary of Complaint

Based upon your complaint letter dated June 18, 2013 and during the conversation in my office on July 11, 2013, you requested that I review Mr. Jager's investigation and notes and re-interview select employees to validate your primary claims:

- 1 That a pattern of harassment, lack of support and discriminatory actions taken by Mr. Tiftick against Mrs. Glenn and other employees over several years exists and needs to be addressed.
- 2 That Mrs. Glenn's reassignment to 1<sup>st</sup> grade from kindergarten for the 2013-14 school year was based upon a desire by him to force her to retire as there was another kindergarten teacher with less experience who could have been moved to solve the staffing situation.

Findings

During my review of your appeal:

1. I met with Mr. Jager to review his previous investigation and what actions had already been taken. I did not find sufficient evidence to substantiate the allegation Mr. Tiftick has engaged in a pattern of harassment, lack of support, or taken discriminatory action against Mrs. Glenn or other employees.
2. I did not find sufficient evidence to substantiate the allegations that Mrs. Glenn's reassignment to 1<sup>st</sup> grade for the 2013-2014 school year was based on Mr. Tiftick's desire that she retire based on age.
3. Mr. Jager's findings were supported by the overall information he received from those he interviewed. I did not re-interview any employees or additional employees based on the fact that an actual claim was filed with DFEH and EEOC.

## Conclusion

Based upon the investigation and findings, I have reached the following conclusions and will make the following recommendations related to your formal complaint:

1. I did not find sufficient cause to terminate Mr. Tiftick or remove him from the Jefferson campus.

## Recommendations:

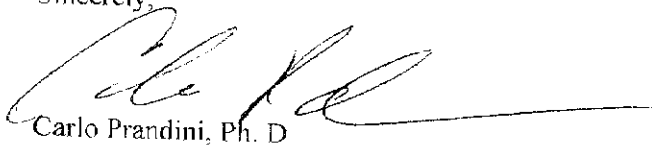
1. For the 2013-14 school year, Mrs. Glenn may stay at Jefferson Elementary and choose between the following assignments:
  - a. Accept the current placement in 1<sup>st</sup> grade and be given the proper support, supplies, equipment and materials required to be successful.
  - b. Since summer enrollment numbers have increased at Jefferson, an additional kindergarten class will be added. Mrs. Glenn will be offered the fourth class to remain as a kindergarten teacher and be given the proper support, supplies, equipment and materials required to be successful.
2. If Mrs. Glenn would prefer teaching at another site, summer enrollment numbers have increased and a kindergarten will need to be added at another Clovis Area Elementary school. (Currently, there is not a need for additional kindergartens in another Area).
3. Although I am aware you have obtained a right to sue letter from the DFEH, it is my hope this matter can be resolved through better communication. If Mrs. Glenn chooses to return to the assignment of her choice at Jefferson Elementary, I will facilitate a meeting with Mrs. Glenn with her advocate, Mr. Tiftick and Mr. Jager to ensure a positive, mutually respectful working relationship with clearly defined expectations, communication protocols and a complaint process if at any time Mrs. Glenn does not feel supported, respected or valued.

Upon receipt of this letter, I request that you call my office if you have any questions or concerns or would like to schedule a follow up meeting. By August 1, 2013, please let me know what position, of the three outlined above, that Mrs. Glenn would like for the 2013-2014 school year.

For the reasons stated above, I find that the matters set forth in your complaint have been appropriately investigated and reviewed and that no further action is required other than those described in this letter.

Feel free to contact my office if you need additional clarification.

Sincerely,



Carlo Prandini, Ph. D  
Associate Superintendent School Leadership

cc: Barry Jager, Assistant Superintendent, Clovis Area  
Cheryl Rogers, Ed.D., Associate Superintendent, Human Resources  
David Moreno, Esq., Fagen, Friedman & Fulfrost, LLP



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Thank you for using the EEOC Assessment System. The information you gave us indicates that your situation may be covered by the laws we enforce. If you want to file a charge, you can start the process by filling out the Intake Questionnaire, signing it, and either bringing it or mailing it to the EEOC office listed below right away. If you live within 50 miles of the EEOC office listed below, we recommend that you bring the completed questionnaire with you to this office to discuss your situation.

EEOC Fresno Local Office  
2300 Tulare Street  
Suite 215  
Fresno, CA 93721

If you would like to bring the questionnaire to us in person instead of mailing it to us, please click <http://www.eeoc.gov/field/index.cfm> to find out the office hours of the EEOC office closest to you. If you would like to fax the questionnaire to us, please click <http://www.eeoc.gov/field/index.cfm> to find out the fax number of the office nearest to you.

You should be aware that filing a charge can take up to two hours. If you find that you are having difficulty completing the questionnaire on your own, you may call the number below for assistance.

Please be sure to:

- Answer all questions as completely as possible.
- Include the location where you work(ed) or applied.
- Complete all pages and sign the last page.
- Attach additional pages if you need more space to complete your responses.

You can find out more information about the laws we enforce and our charge-filing procedures on our website at [www.eeoc.gov](http://www.eeoc.gov).

If you want to file a charge about job discrimination, there are time limits to file the charge. In many States that limit is 300 days from the date you knew about the harm or negative job action, but in other States it is 180 days. To protect your rights, it is important that you fill out the questionnaire, sign it, and bring it or send it to us right away.

**Filling out and bringing us or sending us this questionnaire does not mean that you have filed a charge.** This questionnaire will help us look at your situation and figure out if you are covered by the laws we enforce. If you live within 50 miles of the office listed above, we recommend that you bring the completed questionnaire to us to discuss your situation. If you mail the completed questionnaire to us, someone from the EEOC should contact you by mail or by phone within 30 days. If you don't hear from us in 30 days, please call us at **1-800-669-4000**.

Sincerely,

U.S. Equal Employment Opportunity Commission



## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. **Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "n/a." Please Print.**

### 1. Personal Information

Last Name: Glenn First Name: Carolyn MI: Jean  
Street or Mailing Address: PO Box 146 Apt Or Unit #: \_\_\_\_\_  
City: Clovis County: Fresno State: Ca ZIP: 93613  
Phone Numbers: Home: ( 559 ) 299-2210 Work: ( \_\_\_\_\_ ) \_\_\_\_\_  
Cell: ( 559 ) 260-5094 Email Address: carolynglenn3@att.net  
Date of Birth: 6-28-1948 Sex: Male ☐ Female ☒ Do You Have a Disability? ☐ Yes ☒ No

- Please answer each of the next three questions.**
- i. Are you Hispanic or Latino? ☐ Yes ☒ No
- ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaska Native ☐ Asian ☒ White  
☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander
- iii. What is your National Origin (country of origin or ancestry)? USA

### Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: Amanda Hebesha Relationship: daughter and legal counsel  
Address: 5260 N. Palm Ave. Ste 205 City: Clovis State: Ca Zip Code: 93704  
Home Phone: ( 559 ) 301-5120 Other Phone: ( 559 ) 472-9922

### 2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

☒ Employer ☐ Union ☐ Employment Agency ☐ Other (Please Specify) \_\_\_\_\_

**Organization Contact Information** (If the organization is an employer, provide the address where you actually worked. If you work from home, check here ☐ and provide the address of the office to which you reported.) **If more than one employer is involved, attach additional sheets.**

**Organization Name:** Clovis Unified School District (CUSD)  
Address: 1450 Herndon Ave County: Fresno  
City: Clovis State: CA Zip: 93611 Phone: ( 559 ) 327-9000  
Type of Business: School District Job Location if different from Org. Address: 1880 Fowler Ave. Clovis, CA 93611  
Human Resources Director or Owner Name: Dr. Carlo Prandini Phone: 559-327-9000

**Number of Employees in the Organization at All Locations:** Please Check (✓) One

☐ Fewer Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☒ More than 500

### 3. Your Employment Data (Complete as many items as you can) Are you a Federal Employee? ☐ Yes ☐ No

Date Hired: approx 1991 Job Title At Hire: elementary school teacher  
Pay Rate When Hired: \_\_\_\_\_ Last or Current Pay Rate: \_\_\_\_\_  
Job Title at Time of Alleged Discrimination: KG Teacher Date Quit/Discharged: July 2013  
Name and Title of Immediate Supervisor: Geoffrey Tiftick

If Job Applicant, Date You Applied for Job \_\_\_\_\_ Job Title Applied For \_\_\_\_\_

**4. What is the reason (basis) for your claim of employment discrimination?**

*FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.*

☐ Race ☒ Sex ☒ Age ☐ Disability ☐ National Origin ☐ Religion ☒ Retaliation ☐ Pregnancy ☐ Color (typically a difference in skin shade within the same race) ☐ Genetic Information; choose which type(s) of genetic information is involved:  
☐ i. genetic testing ☐ ii. family medical history ☐ iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: \_\_\_\_\_

If you checked genetic information, how did the employer obtain the genetic information? \_\_\_\_\_

Other reason (basis) for discrimination (Explain). \_\_\_\_\_

**5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.**

*(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)*

A) Date: April 3, 2013 Action: Discriminated against because of age (65), being replaced/moved from current position by approx 30yr old because using and learning technology is allegedly not my "forte"

Name and Title of Person(s) Responsible: Geoffrey Tiftick

B) Date: June 13, 2013 Action: retaliation, CUSD engaged in institutional retaliation and discrimination by engaging in an institutional cover-up of it and Mr. Tiftick's illegal conduct

Name and Title of Person(s) Responsible: Barry Jager, Ass. Superintendent of CUSD

**6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.**

See attachments.

**7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?**

See attachments

**8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.**

**Of the persons in the same or similar situation as you, who was treated *better* than you?**

A. Full Name	Race, sex, age, national origin, religion or disability	Job Title
Jacylyn Russell	believe she is late 20s/ early 30s	KG Teacher
<u>Description of Treatment</u> She is treated extremely favorably by Geoffrey Tiftick, is the one he is replacing me with, 2012-2013 was her first year of teaching, may not even be fully credentialed yet.		
B. Full Name	Race, sex, age, national origin, religion or disability	Job Title
Lisa Peterson	if she not under 40, then substantially younger	KG Teacher
<u>Description of Treatment</u> She is treated extremely favorably by Geoffrey Tiftick		

**Of the persons in the same or similar situation as you, who was treated *worse* than you?**

A. <u>Full Name</u>	<u>Race, sex, age, national origin, religion or disability</u>	<u>Job Title</u>

Description of Treatment

B. <u>Full Name</u>	<u>Race, sex, age, national origin, religion or disability</u>	<u>Job Title</u>

Description of Treatment**Of the persons in the same or similar situation as you, who was treated the *same* as you?**

A. <u>Full Name</u>	<u>Race, sex, age, national origin, religion or disability</u>	<u>Job Title</u>
Becky Stott	over 40	first grade teacher

Description of Treatment Tiftick engages in the same discriminatory, harassing and retaliatory

B. <u>Full Name</u>	<u>Race, sex, age, national origin, religion or disability</u>	<u>Job Title</u>

Description of Treatment

**Answer questions 9-12 only if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.**

**9. Please check all that apply:**

- ☐ Yes, I have a disability
- ☐ I do not have a disability now but I did have one
- ☐ No disability but the organization treats me as if I am disabled

**10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).**

**11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?**

Yes ☐ No ☐

If "Yes," what medication, medical equipment or other assistance do you use?

**12. Did you ask your employer for any changes or assistance to do your job because of your disability?**

Yes ☐ No ☐

If "YES", when did you ask? \_\_\_\_\_ How did you ask (verbally or in writing)? \_\_\_\_\_

Who did you ask? (Provide full name and job title of person)

Describe the changes or assistance that you asked for:

How did your employer respond to your request?



13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

A. Full Name	Job Title	Address & Phone Number
Bev Helland	Teacher	559-288-4946 (cell), resides in San Diego, CA

What do you believe this person will tell us?

Bev will tell you she was treated fairly by Tiftick, but she witnessed the illegal conduct he engaged in and subjected me and many other teachers to, she heard him call me and two other over 40 women "dinosaurs", among witnessing many other things

B. Full Name	Job Title	Address & Phone Number
Lyn Graham	teacher at CUSD	559-355-6772 (cell), resides in Clovis, CA

What do you believe this person will tell us?

She was subjected to same illegal conduct by Tiftick and also witnessed it being implemented on others

14. Have you filed a charge previously in this matter with EEOC or another agency? Yes ☒ No ☐

15. If you have filed a complaint with another agency, provide name of agency and date of filing:

DFEH on July 15, 2013

16. Have you sought help about this situation from a union, an attorney, or any other source? Yes ☒ No ☐

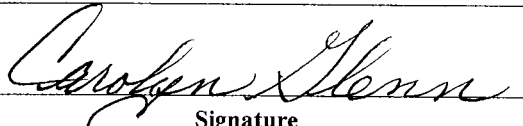
Provide name of organization, name of person you spoke with and date of contact. Results, if any?

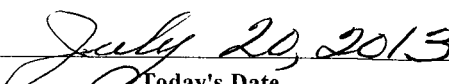
Please contact my counsel at 559-472-9922. Amanda Hebesha, Esq, Doug Tucker, Esq @ Moss, Tucker, Chiu, Hebehsa & Ward PC

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. **If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.**

Box 1 ☐ I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. **I also understand that I could lose my rights if I do not file a charge in time.**

Box 2 ☒ I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that **the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name.** I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

  
Signature

  
Today's Date

**PRIVACY ACT STATEMENT:** This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Intake Questionnaire (9/20/08).
2. **AUTHORITY.** 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626, 42 U.S.C. 12117(a), 42 USC §2000ff-6.
3. **PRINCIPAL PURPOSE.** The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
4. **ROUTINE USES.** EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION.** Providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.

Prior to Respondents' last acts of discrimination, harassment and/or retaliation, Ms. Glenn was a kindergarten teacher at Jefferson Elementary School and employed by Respondent Clovis Unified School District. The principal of her school is Respondent Jeff Tiftick. Mr. Tiftick has continuously and pervasively engaged in discriminating, harassing and retaliatory conduct towards our client to such an extent that working conditions are hostile and have become so intolerable such that she is being forced to resign rather than face resumed harassment, discrimination and retaliation by Mr. Tiftick and Clovis Unified School District.

In addition to Mr. Tiftick's illegal conduct, Clovis Unified School District has also engaged in the discrimination and retaliatory conduct by failing to take all reasonable steps necessary to prevent the discrimination, harassment and/or retaliation from occurring. Specifically, instead of taking Ms. Glenn's repeated reports of Mr. Tiftick's illegal conduct seriously and engaging in a good faith, thorough and objectively reasonable investigation and assessment of the situation, and taking immediate corrective action, Clovis Unified School District engaged in institutional retaliation and discrimination by engaging in an institutional cover-up of it and Mr. Tiftick's illegal conduct. In its internal investigation, Clovis Unified School District intentionally disregarded and minimized the facts and testimony of Ms. Glenn and other third party witnesses who testified in the internal investigation. Clovis Unified School District issued a conclusory, one-sided written assessment of the situation that was without factual support, that failed to give credence to any of Ms. Glenn's claims and Mr. Tiftick's illegal conduct thereby furthering the discrimination, harassment and/or retaliation. Clovis Unified School District's actions, and lack thereof, essentially rendered Ms. Glenn's rights to complain and seek redress of Mr. Tiftick's illegal conduct illusory and were done so with the intent of silencing and discrediting Ms. Glenn and to serve as a warning to others similarly situated against challenges or complaints of illegal treatment to Clovis Unified School District.

Respondents' behavior, harassment, discrimination and/or retaliation against Ms. Glenn is on the basis of her age (she is 65 years old), gender and engaging in protected activity.

JON WALLACE UPTON  
ROBERT E. BERGIN  
JEFFREY G. BOSWELL  
STEVEN D. MCGEE  
ROBERT H. SCRIBNER  
MICHAEL E. MOSS  
MARK D. MILLER  
MICHAEL J. JURKOVICH  
DOUGLAS TUCKER  
CHRISTOPHER E. SEYMOUR  
HENRY T. CHU  
AMANDA G. HEBESHA  
OLIVIA M. WRIGHT  
LAURA E. WARD  
MARCUS N. DIBUDUO+  
MATTHEW R. DILDINE

OF COUNSEL  
WILLIAM T. MCLAUGHLIN II  
MARY ANN BLUMH  
JASON S. EPPERSON  
VANESSA L. SHEHADEY

+REGISTERED PATENT ATTORNEY

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June 29, 2010

JOSEPH C. KIMBLE (1910-1972)  
THOMAS A. MACMICHAEL (1920-1990)  
  
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Writer's E-Mail: dtucker@kmulaw.com  
Writer's Direct Dial (559) 436-3885  
Writer's Direct Facsimile (559) 437-5585

File #10576.00

Via Facsimile & U.S. Mail  
(559) 327-9369

Cheryl Rogers, Ed.D.  
Assistant Superintendent  
Clovis Unified School District  
1450 Herndon Avenue  
Clovis, California 93611

Re: *Our Client: Carolyn Glenn*  
*Cease and Desist the Continued Harassment of Carolyn Glenn*

Dear Ms. Rogers:

This firm represents Carolyn Glenn. Ms. Glenn is currently a kindergarten teacher at Jefferson Elementary. The principal of her school is Jeff Tiftick. Mr. Tiftick has been harassing and threatening our client to such an extent, our client's work environment has become hostile to the degree that it rises to the level of a constructive termination if she were to resign. Based upon our information, Mr. Tiftick's behavior, harassment and discrimination against Ms. Glenn appear to be on the basis of her age and gender. In fact, Mr. Tiftick has been so bold as telling Ms. Glenn that "it is time for her to retire."

As you are aware, Mr. Tiftick's conduct violates Ms. Glenn's rights and constitutes age and sexual harassment and discrimination. We respectfully demand that such conduct cease immediately. Moreover, we further demand that Ms. Glenn not be subjected to any sort of retaliation in reporting Mr. Tiftick's conduct towards her. Ms. Glenn very much desires to continue in her job as a school teacher at Jefferson Elementary in a non-hostile, non-retaliatory work place.

**Mr. Tiftick's Conduct Towards Ms. Glenn Has Been Pervasive and Ongoing.**

Consistent with and in addition to his threats, bullying and derogatory statements, Mr. Tiftick has continually delegated or allowed for the delegation of unreasonably burdensome assignments and workloads in an inequitable and unjust manner to Ms. Glenn. Several of which appear to rise to the level of an adverse employment action. We have been informed that Mr. Tiftick's harassing and adverse treatment of Ms. Glenn has been on going

Cheryl Rogers, Ed.D., Assistant Superintendent  
Clovis Unified School District  
June 29, 2010  
Page 2

for quite some time, however, it has increased in severity within the past couple of years, and increased significantly in the past year.

**Mr. Tiftick's Hostile Conduct Towards Ms. Glenn During The 2009-2010 Academic Year.**

Mr. Tiftick's conduct has been well documented and witnessed and would be easily and overwhelmingly proven in a court of law. For example, Ms. Glenn began teaching kindergarten at Jefferson Elementary in or around 1991. Ms. Glenn taught kindergarten at Jefferson Elementary for 12 years until Mr. Tiftick decided he "wanted to make changes" and therefore moved Ms. Glenn to first grade and replaced her with another teacher who happened to be younger and apparently "wanted out of first grade and wanted to try out kindergarten."

As a result, Ms. Glenn taught first grade thereafter until the sixth week of the 2009-2010 school year. On the Monday morning of the sixth week of school of the 2009-2010 school year Mr. Tiftick unilaterally decided to reassign Ms. Glenn back to kindergarten against her wishes, even though Ms. Glenn has the most tenure of all of the first grade teachers and is also the oldest. Mr. Tiftick literally called Ms. Glenn into his office that morning and informed her he was moving her back to kindergarten and told her she had her first grade class until that Wednesday and that she had to be prepared to start teaching kindergarten on the following Friday.

Obviously, such a task was extremely unsettling to Ms. Glenn. Switching grades is a daunting task even if a teacher has a whole summer to prepare for it, but switching to a different grade level with two days notice is unreasonable and was extremely stressful. We are informed Ms. Glenn told Mr. Tiftick not to transfer her back to kindergarten as the school year was already underway and Ms. Glenn had been teaching first grade for six years and, as a result, no longer had lesson plans or a prepared curriculum for kindergarten. Furthermore two days was hardly enough time to prepare the same. Mr. Tiftick replied that Ms. Glenn "did not have a choice in the matter."

What we have subsequently learned that Mr. Tiftick had approached another teacher, prior to informing Ms. Glenn that she would be moving to kindergarten, and asked if she would mind moving down to kindergarten, and given the choice, that teacher declined. As a result, Mr. Tiftick forced Ms. Glenn to switch grade levels instead of the other teacher.

To placate Ms. Glenn after mandating that she move grades during the school year, Mr. Tiftick represented to Ms. Glenn that Monday morning that she would be team teaching with another kindergarten teacher, Ms. Lewis. Team teaching under the circumstances would have greatly eased the transition. However, a couple of days later during Ms. Glenn's transition to kindergarten, Mr. Tiftick informed Ms. Glenn that she would not be team

Cheryl Rogers, Ed.D., Assistant Superintendent  
Clovis Unified School District  
June 29, 2010  
Page 3

teaching with Ms. Lewis because the Kindergarten Team Leader, Ms. Peterson, wanted to team teach and because she was the "team leader, she gets what she wants." On the day Ms. Glenn began teaching the kindergarten class, she found out she given the bilingual class.

Thereafter, throughout the 2009-2010 school year Mr. Tiftick's inequitable and unfair treatment of Ms. Glenn continued unabated. Moreover, if Ms. Glenn objected to, or voiced her concern about said treatment, Mr. Tiftick would become argumentative and accused Ms. Glenn of "not being a team player" and told her repeatedly that "no one likes to work with her." Mr. Tiftick also encouraged other employees under his control to speak out against her, and undermine her.

#### **Mr. Tiftick's Threats to Ms. Glenn In April 2010.**

In April 2010, Mr. Tiftick gave her a poor evaluation. Interestingly, the written evaluation is mediocre, however, his oral evaluation of her was dismal. During their conversation Mr. Tiftick proceeded to tell Ms. Glenn that he had as many as 6 or 7 parents complaining to him about her. He then brought out a one page typed letter that he said he had pulled out of the SART surveys so "Cheryl Rogers would not see the letter." Mr. Tiftick then proceeded to read the letter which complained that Ms. Glenn was teaching the children a song "about baby Jesus" – interestingly this song was being taught to the children because they were to sing it for the Christmas program.

He also stated the letter complained that Ms. Glenn was having the children sing "God Bless America" after the flag salute. Based on these complaints he literally accused Ms. Glenn of "proselytizing." Notwithstanding the fact that SART surveys are supposed to be anonymous and that it is improper to critique a teacher off of the same, he then brazenly proceeded to state that "if she was thinking about retiring that it was better to go out on top then on the bottom." When asked what he meant by that, he stated he was going to take down the SART survey letter to the District Office and "dig through all of this with Cheryl Rogers." He then stated she "did not have to go through all of this and that it would be better to leave on top." He also stated that he knew "of two female teachers at Clark who waited too long to retire." Ms. Glenn had no intentions of retiring and told Mr. Tiftick that she was not going to retire. Mr. Tiftick's inequitable and unfair treatment of Ms. Glenn continued throughout the remaining weeks of the school.

#### **Ms. Glenn Has The Right To Not Be Subjected To Such Harassing and Discriminatory Conduct.**

Mr. Tiftick's conduct is entirely inappropriate and unacceptable. It is entirely against the law and our client's rights. Ms. Glenn merely seeks to continue in her employment as a school teacher in a non-hostile workplace free from such conduct and without fear of retaliation. As set forth above, Ms. Glenn is not to be subjected to any sort of retaliation in

Cheryl Rogers, Ed.D., Assistant Superintendent  
Clovis Unified School District  
June 29, 2010  
Page 4

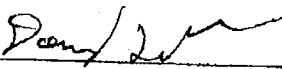
reporting Mr. Tiftick's conduct towards her. Accordingly, any contact with Ms. Glenn regarding or concerning this matter is strictly prohibited unless it is facilitated through this office.

In the event Mr. Tiftick's conduct continues unabated, our client will be forced to file suit to and seek an award of her attorney fees and costs. Such suit will be in addition to seeking compensatory and punitive damages.

We sincerely hope he ceases and desists in engaging in further harassing, discriminating and threatening conduct directed at Ms. Glenn. However, should he fail to cease conducting himself in this manner, we will act accordingly and without further delay.

Very truly yours,

KIMBLE, MacMICHAEL & UPTON  
A Professional Corporation

By   
Douglas Tucker

cc: Clients  
Amanda G. Hebesha, Esq.

**LOZANO SMITH**  
ATTORNEYS AT LAW  
*Partnering For Excellence In Education And Government*

Jerome M. Behrens  
Attorney at Law

E-mail: jbehrens@lozanosmith.com

July 30, 2010

Via U.S. Mail and email: dtucker@kmulaw.com

Douglas Tucker  
Kimble, MacMichael & Upton  
5260 N. Palm Avenue, Suite 221  
Fresno, CA 93704

Re: Your client, Carolyn Glenn and letter dated June 29, 2010

Dear Mr. Tucker:

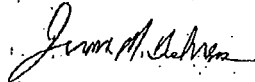
Our firm serves as general counsel for Clovis Unified School District. The above-referenced letter was referred to me for review. Unfortunately, I was out of the country and I apologize for the delay. The District takes very seriously allegations of inappropriate conduct by District personnel. Accordingly, the District will be investigating the allegations described in your letter as a formal personnel complaint. Dr. Cheryl Rogers, Assistant Superintendent-Clovis Area for the Clovis Unified School District will investigate the complaint pursuant to Administrative Regulation No. 9207. The timelines of 9207, under the circumstances, clearly will not apply. Unless otherwise required by law, the investigation will be conducted on a confidential basis in order to preserve the privacy rights of your client as the complainant and the principal who is the subject of the complaint.

In your letter you state that "... any contact with Ms. Glenn regarding or concerning this matter is strictly prohibited unless it is facilitated through this office." As Dr. Rogers would like to interview your client, please advise how this interview is to be facilitated.

Attached, for your information, is Administrative Regulation No. 9207.

Sincerely,

LOZANO SMITH



Jerome M. Behrens

JMB/kjo

cc: Cheryl Rogers, Ed.D.

Enclosure: AR 9207

*A Professional Corporation*

1404 N. Spalding Avenue Fresno, California 93720-3370 Tel 559-431-5600 Fax 559-261-9366

**Debbie Merritt**

---

**From:** Debbie Merritt  
**Sent:** Wednesday, August 04, 2010 10:28 AM  
**To:** Sarah Casillas  
**Subject:** 00186305.000.EML - Carolyn Glenn/Clovis Unified School District

10576.00

---

**From:** Doug Tucker  
**Sent:** Monday, August 02, 2010 4:39 PM  
**To:** 'jbehrens@lozanosmith.com'  
**Cc:** Amanda G Hebeshia; Debbie Merritt  
**Subject:** Carolyn Glenn/Clovis Unified School District

Hi Mr. Behrens,

Thank you for your response to our letter on behalf of Ms. Glenn and thank you for taking her complaint seriously. Ms. Glenn was very hesitant in authorizing us to send the letter and is very fearful of retaliation by Mr. Tiftick. She merely wants the situation abated and to be allowed to continue to teach under non harassing or discriminatory circumstances. Your letter eased her apprehension. Ms. Glenn wants me to be present at any meeting and I am happy to attend. I understand that you or someone from your office will be in attendance also. Our focus is to improve Ms. Glenn's work conditions. In that regard, we are not overly concerned with the timelines set forth in CUSD's Regulations. Please provide me with some dates or call me to discuss.

Douglas Tucker, Esq.  
Kimble, MacMichael & Upton  
5260 N. Palm Avenue, Suite 221  
Fresno, California 93704  
Direct Dial: (559) 436-3885

KIMBLE, MacMICHAEL & UPTON  
Telephone: (559) 435-5500 Fax: (559) 435-1500  
Email: [kmu@kmulaw.com](mailto:kmu@kmulaw.com)

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Thank you.



**Debbie Merritt**

---

**From:** Debbie Merritt  
**Sent:** Monday, August 23, 2010 10:41 AM  
**To:** Sarah Casillas  
**Subject:** 00192145.000.EML - Carolyn Glenn/Clovis Unified School District

10576.00

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**From:** Doug Tucker  
**Sent:** Thursday, August 05, 2010 4:21 PM  
**To:** 'CherylRogers'  
**Subject:** RE: Carolyn Glenn/Clovis Unified School District

Ms. Rogers,

I will await your call.

Thanks,

Douglas Tucker, Esq.  
Kimble, MacMichael & Upton  
5260 N. Palm Avenue, Suite 221  
Fresno, California 93704  
Direct Dial: (559) 436-3885

---

**From:** CherylRogers [mailto:CherylRogers@clovisusd.k12.ca.us]  
**Sent:** Thursday, August 05, 2010 4:02 PM  
**To:** Doug Tucker  
**Cc:** TeriIreland  
**Subject:** RE: Carolyn Glenn/Clovis Unified School District

Mr. Tucker,

We have our District Administrative Charge Session on Monday and Tuesday of next week. I will contact you in the middle of the week to set up an appointment. I look forward to meeting with you and Carolyn. If you prefer to contact my office prior to the middle of the week, my Administrative Assistant, Teri Ireland, is also confidentially aware that we will be scheduling a meeting and would be happy to assist you.

Respectfully,  
Cheryl Rogers

---

**From:** Doug Tucker [mailto:DTucker@KMULAW.com]  
**Sent:** Thursday, August 05, 2010 3:44 PM  
**To:** 'Jerome M. Behrens'

**Debbie Merritt**

---

**From:** Debbie Merritt  
**Sent:** Monday, August 23, 2010 10:40 AM  
**To:** Sarah Casillas  
**Subject:** 00192146.000.EML - Carolyn Glenn/Clovis Unified School District

10576.00

---

**From:** Doug Tucker  
**Sent:** Thursday, August 05, 2010 3:44 PM  
**To:** 'Jerome M. Behrens'  
**Cc:** 'cherylrogers@cusd.com'  
**Subject:** RE: Carolyn Glenn/Clovis Unified School District

Thank you.

Douglas Tucker, Esq.  
Kimble, MacMichael & Upton  
5260 N. Palm Avenue, Suite 221  
Fresno, California 93704  
Direct Dial: (559) 436-3885

---

**From:** Jerome M. Behrens [mailto:JBehrens@lozanosmith.com]  
**Sent:** Thursday, August 05, 2010 9:26 AM  
**To:** Doug Tucker  
**Cc:** 'cherylrogers@cusd.com'  
**Subject:** RE: Carolyn Glenn/Clovis Unified School District

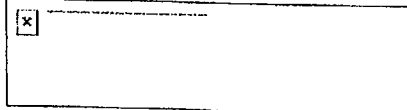
Dear Mr. Tucker,

In response to your email, inasmuch as Dr. Cheryl Rogers will be conducting the investigation, I have asked her to contact you or a person who you designate. It is not necessary for me to be present at the meeting. You may also contact her, if you wish, at (559) 327-9360 for a mutually convenient meeting time.

---

**Jerome M. Behrens**  
Attorney at Law  
7404 North Spalding Avenue | Fresno, CA 93720  
T 559.431.5600 | F 559.431.4420 | Cell:  
559.288.4649  
[jbehrens@lozanosmith.com](mailto:jbehrens@lozanosmith.com)

**Jerome M. Behrens**  
Attorney at Law  
One Capitol Mall, Suite 640 | Sacramento, CA



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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE



August 24, 2010

Mr. Douglas Tucker  
Kimble, MacMichael & Upton  
5260 N. Palm  
Fresno, CA 92704

Dear Mr. Tucker,

I would like to thank you and Carolyn Glenn for taking the time to meet with me on August 16, 2010 regarding her complaints pertaining to Jefferson Principal, Jeff Tiftick. This letter serves as the District's response to your letter dated June 29, 2010 and responded to as a formal personnel complaint pursuant to our General Counsel's letter dated July 30, 2010.

Mrs. Glenn's complaint primarily centered upon what she considered to be inconsiderate or unnecessary comments made or actions taken by Mr. Tiftick in relation to her teaching role. In accordance with District procedures, I have met with Mr. Tiftick and thoroughly addressed the concerns expressed in your complaint. I am able to share the following information.

Mrs. Glenn expressed frustration that Mr. Tiftick moved her to kindergarten after the start of the 2009-10 school year. She felt that other teachers should have been required to move because she had grade level seniority. Actually, Jefferson teacher Mrs. Holland was the most tenured teacher in the first grade at the time. Incidentally, the last two teachers assigned to Jefferson were the teachers who were selected to be administratively transferred to other schools, one of whom was a kindergarten teacher. Mrs. Glenn was the logical choice to move to kindergarten as she had prior kindergarten experience. Mrs. Glenn did not initially object to the reassignment. In fact, she expressed interest in being transferred to a kindergarten position at Bud Rank Elementary.

As stated in our meeting, because Clovis Unified is a non-union school district, decisions are not based solely upon seniority. Teacher experience, fit with a particular site and grade level, and a variety of other factors are considered in such decisions. Due to severe state level budget reductions, CUSD raised grade level caps from 20 to 25, resulting in significant teacher reassignments throughout the district. The impact at Jefferson was the loss of two teachers to other school sites and the reassignment of three teachers to different grade levels within the school.

Mrs. Glenn reported that Mr. Tiftick stated that the team leader "gets what she wants." Mr. Tiftick recalls that he stated the team leader makes decisions regarding teacher materials and other requests for the entire grade level.

**Governing Board**

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Christopher Casado  
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Ginny Hovsepian  
Elizabeth J. Sandoval  
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Jim Van Volkinburg, D.D.S.

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David E. Cash, Ed.D.  
*Superintendent*  
Michelle Steagall, Ed.D.  
*Associate Superintendent*  
Steve Ward  
*Associate Superintendent*  
Janet Young, Ed.D.  
*Associate Superintendent*

Mrs. Glenn questioned why she was required to go to the District Human Resources Department to sign her 2010-11 Re-Election Notice. Further research with HR and Jefferson Office Manager, Clare Smith, revealed that Clare both called and went to Mrs. Glenn's room to try to locate her to sign the form. When Mrs. Glenn and other employees had not completed the form, Clare was directed by HR Specialist Mark Borjas to inform Mrs. Glenn and two other Jefferson teachers that they needed to call HR to set up an appointment to see him about properly completing their Re-Election Acceptance Forms.

In reference to SART surveys with negative written comments regarding Mrs. Glenn, she stated that Mr. Tiftick said that he would "Dig through all of this with Dr. Rogers." Mr. Tiftick indicated that he did not make that statement. Our District SART surveys are annually sorted by written comments. Every year complaints that specifically involve teachers or other employees are pulled before public viewing. Principals discuss such complaints with the employee and only address them with Area Superintendents if they are related to concerns that have been brought directly from the community to the District Office. All SART surveys that are completed on scantrons are submitted for scanning regardless of the comments. The typed page Ms. Glenn referred to was pulled because it would have automatically been kicked out of the scanner, drawing negative attention to Mrs. Glenn. Mr. Tiftick was actually protecting Mrs. Glenn because he did not want others to see the negative written comments pertaining to her.

Mr. Tiftick accepted Mrs. Glenn's explanations for the song for the Winter Holiday program and did not express concern in relation to "God Bless America." However, he did express concern about statements Mrs. Glenn made in class characterizing Johnny Appleseed as a "Christian missionary" and St. Patrick as having been "put into slavery by evil Celtic people," as stated in your letter. Mr. Tiftick did tell Mrs. Glenn to be cautious in making references which may be perceived as supporting a particular religion, in a public school district setting, as part of any lesson and reminded her that all types of cultures and religions should be represented in any such instructional circumstance.

In reference to retirement, Mr. Tiftick did tell Mrs. Glenn, to go out when she wanted but to "go out on top and not retire too late." He also shared his knowledge of two retired teachers from Clark, indicating that he felt they waited too long and later experienced difficulties as a result. As discussed in our meeting, there were several conversations held with staff members this past year who met the requirements for retirement. Our overall intent was to assist staff as much as possible in making informed decisions with proper guidance from official STRS representatives.

There are often very different perceptions and interpretations of statements, actions and the underlying intent of comments made in various situations. Per our discussion in our August 16<sup>th</sup> meeting, confidentiality precludes my ability to share any specific issues of a personnel nature. However, I can, once again, directly state that we take all such personnel issues very seriously and have thoroughly addressed all of Mrs. Glenn's concerns with Mr. Tiftick.

As stated in our meeting, Mr. Tiftick will continue to evaluate Mrs. Glenn in her role as a teacher. As discussed, Mr. Tiftick and Mrs. Glenn may, at times, "agree to disagree." However, both are expected to demonstrate professionalism and respect for one another in all settings.

I believe this response addresses the issues raised in your letter of June 29, 2010. If you disagree with my assessment, please feel free to contact me, Dr. Janet Young, Associate Superintendent, Human Resources & Communications, or our General Counsel, Jerry Behrens.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl Rogers". The script is cursive and fluid.

Cheryl Rogers, Ed.D.  
Assistant Superintendent, Clovis Area

cc: Dr. Janet Young, Associate Superintendent, Human Resources & Communications  
Jeff Tiftick, Principal, Jefferson Elementary School  
Jerry Behrens, General Counsel

JON WALLACH UPTON  
ROBERT E. BERGIN  
JEFFREY G. BOSWELL  
STEVEN D. McQUEE  
ROBERT H. SCRIBNER  
MICHAEL E. MOSS  
MARK D. MILLER  
MICHAEL J. JURKOVICH  
DOUGLAS TUCKER  
HENRY Y. CHIU  
AMANDA G. HEBESHA  
CHRISTOPHER E. SHYMOUR  
OLIVIA M. WRIGHT  
LAURA E. WARD  
MARCUS N. DIBUDUO  
MATTHEW R. DILDINE

OF COUNSEL  
WILLIAM T. MCLAUGHLIN II  
MARY ANN BLUMH  
JASON S. EPPERSON  
VANESSA L. SHEHADEY

\*REGISTERED PATENT ATTORNEY

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FAX (559) 435-1600  
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September 9, 2010

JOSEPH C. KIMBLE (1910-1972)  
THOMAS A. MACMICHAEL (1920-1990)

SAN FRANCISCO OFFICE  
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File #10576.00

Via U.S. Mail & E-Mail:  
[jbehrens@lozanosmith.com](mailto:jbehrens@lozanosmith.com)

Jerome M. Behrens, Esq.  
Law Offices of Lozano Smith  
7404 N. Spalding Avenue  
Fresno, California 93720-3370

Re: *Our Client: Carolyn Glenn*  
*Your Client: Clovis Unified School District ("CSUD")*  
*Subject: Response to Ms. Rogers' Letter of August 24, 2010*

Dear Mr. Behrens:

This correspondence is in response to Cheryl Rogers' correspondence of August 24, 2010. Unfortunately, Ms. Rogers' letter expresses the reaction on the part of the School District that made our client extremely reluctant to authorize our firm to send our letter of June 29, 2010. It appears CSUD has taken a "circle the wagons - nothing happened" approach. We are disappointed that this is the position the School District decided to take. However, we will be vigilantly and aggressively pursuing all remedies on behalf of our client should Mr. Tiftick continue in his discriminatory conduct.

We were hoping that Ms. Rogers' letter would outline the measures the District intended to take to ensure our client would not be subjected to any discriminatory or retaliatory conduct. Unfortunately, Ms. Rogers' letter sets forth Mr. Tiftick's arguments in an effort to refute Ms. Glenn's position and/or justify Mr. Tiftick's conducts towards Ms. Glenn. Suffice it to say, our client does not agree with the substance of the letter.

The most disappointing paragraph from Ms. Glenn's perspective reads as follows:

"In reference to retirement, Mr. Tiftick did tell Mrs. Glenn, to go out when she wanted but to "go out on top and not retire too late." He also shared his knowledge of two retired teachers from Clark, indicating that he felt they waited too long and later experienced difficulties as a result. As discussed in our meeting, there were several conversations held with staff members this

Jerome M. Behrens, Esq.  
Law Offices of Lozano Smith  
September 9, 2010  
Page 2

past year who met the requirements for retirement. Our overall intent was to assist staff as much as possible in making informed decisions with proper guidance from official STRS representatives."

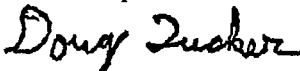
The paragraph is striking for several reasons. First, Mr. Tiftick acknowledges that he made the statement to Ms. Glenn that she should want to go out on top and not retire too late. While we do appreciate his candor, we have no idea how Ms. Glenn's age affects whether she "goes out on top."

We were expecting an unequivocal statement to Ms. Glenn that any discrimination or treatment different from other teachers based on her age is totally unacceptable and prohibited and she will not be subjected to any further discriminatory conduct. Especially after Mr. Tiftick admitted to making the statement. Instead, Ms. Rogers' message was that CSUD will defend Mr. Tiftick no matter how overt he is in his discrimination.

As we indicated in our initial correspondence, our client merely wants to perform her services as a teacher in a non-discriminatory workplace, free from retaliation. We sincerely hope that is the case. However, should it not be, we will be forced to act accordingly.

Very truly yours,

KIMBLE, MacMICHAEL & UPTON  
A Professional Corporation



By \_\_\_\_\_  
Douglas Tucker

cc: Client  
Amanda G. Hebesha, Esq.

00195607.000



Moss, Tucker, Chiu, Hebesha & Ward PC

April 4, 2013

File #10576.00

**Via U.S. Mail & E-Mail:**  
**jbehrens@lozanosmith.com**

Jerome M. Behrens, Esq.  
Law Offices of Lozano Smith  
7404 N. Spalding Avenue  
Fresno, California 93720-3370

Re: *Our Client: Carolyn Glenn*  
*Your Client: Clovis Unified School District ("CSUD")*  
*Subject: Cease and Desist the Continued Harassment of Carolyn Glenn*

Dear Mr. Behrens:

This firm represents Carolyn Glenn, who is a kindergarten teacher at Jefferson Elementary. Mr. Jeff Tiftick is the principal at her school. While at our former firm, we represented Ms. Glenn in circumstances very similar to those in which she presently finds herself. In the past, we communicated with you and Ms. Cheryl Rogers regarding Mr. Tiftick's harassment and discriminatory conduct towards Ms. Glenn. The various communications between our respective offices from 2010 are collectively attached hereto for your review.

Ms. Glenn was called into Mr. Tiftick's office Wednesday afternoon, the day after he received her notice of intent to return and teach for the 2013-2014 school year. He notified her that he was eliminating a kindergarten class (there are 4 kindergarten classes for the 2012-2013 school year) and as a result she would need to transfer to either first or fifth grade this next school year and that she did not have a choice in the matter. Ms. Glenn inquired why she was the kindergarten teacher that had to be transferred to a different grade when there were three other kindergarten teachers in addition to herself that could also transfer grades. Indeed, Ms. Glenn has the most tenure of all of the kindergarten teachers and is also the oldest. Mr. Tiftick has also arbitrarily made Ms. Glenn transfer grades two other times, the first in 2003 from kindergarten to first grade, the second in 2009 from first to kindergarten. Further, the newest kindergarten teacher was only brought on for the current school year specifically for the 4<sup>th</sup> kindergarten class because of the unusually large number of kindergarten aged children entering school for this school year. Mr. Tiftick replied to Ms. Glenn that there were disabled children entering into kindergarten next year and that learning and using technology "was not her forte", in other words "you can't teach an old dog new tricks."



Jerome M. Behrens, Esq.  
Law Offices of Lozano Smith  
April 5, 2013  
Page 2

Ms. Glenn disagreed with this discriminatory assessment of her ability to use and learn new technology to accommodate for disabled children's needs, stated the same to Mr. Tiftick and also gave him several examples of her experience and successful mainstreaming of disabled children in her teaching career. We are advised that Mr. Tiftick ignored Ms. Glenn and simply told her she did not have a choice in the matter and that she had until Monday to get back to him and let him know if she was going to go to first or fifth grade.

We find it extremely concerning that Mr. Tiftick is discriminating and harassing Ms. Glenn due to her age yet again, especially given these circumstances. A fourth teacher, who we understand is in her first year teaching this year, was brought on to teach kindergarten at Jefferson, yet Mr. Tiftick is demanding our client change grades again instead of the new teacher. This is simply appalling. Accordingly, we are requesting that you contact our office as soon as practicable so that we can discuss this matter. In the meantime we also respectfully demand that all harassing or discriminatory conduct cease immediately. Mr. Tiftick should also be notified that he will not be receiving an "answer" from Ms. Glenn by Monday as he is demanding. **We further demand that Ms. Glenn not be subjected to any sort of retaliation in reporting Mr. Tiftick's conduct towards her.** Ms. Glenn very much desires to continue in her job as a school teacher at Jefferson Elementary in a non-hostile, non-retaliatory work place. We hope that your attention, as well as the District's administrators to this matter will make that possible.

Very truly yours,

MOSS, TUCKER, CHIU, HEBESHA & WARD PC

By 

Douglas Tucker

DT:djm  
Enclosures

cc: Client  
Amanda G. Hebesha, Esq.



Writer's E-Mail: DTucker@MossTuckerLaw.com

Moss, Tucker, Chiu, Hebeshia & Ward PC

April 9, 2013

File #10576.00

Via U.S. Mail & E-Mail:  
jbehrens@lozanosmith.com

Jerome M. Behrens, Esq.  
Law Offices of Lozano Smith  
7404 N. Spalding Avenue  
Fresno, California 93720-3370

Re: *Our Client: Carolyn Glenn*  
*Your Client: Clovis Unified School District ("CSUD")*  
*Subject: Cease and Desist the Continued Harassment of Carolyn Glenn*

Dear Mr. Behrens:

We were just informed Mr. Tiftick sent out an email this morning to his staff stating the Ms. Glenn will be transferred from kindergarten to the first grade. This is disappointing and alarming for several reasons. First, we have not received a response from or on behalf of the District to our April 4, 2013, cease and desist correspondence. Second, our letter and our request to discuss this matter clearly falls within the District's complaint policy, yet it appears that rather than discussing and investigating the matter as required, Mr. Tiftick has been given the green light by the District to move forward with his discriminatory actions which smacks of retaliation.

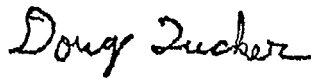
To be clear, our client does not consent to once again being singled out by Mr. Tiftick and moved into a new grade level, particularly when the teacher replacing Ms. Glenn appears to be in her early thirties, and may not even be a fully credentialed teacher yet, and especially when the basis for the decision is because learning and using new technology is "not [Ms. Glenn's] forte" – remarks that are now coupled with adverse changes in the conditions of her employment which are clearly sufficient to raise an inference of discriminatory intent. We again are requesting that the District comply with its obligations under Administrative Regulation No. 9207 and thoroughly and objectively investigate this matter and ensure that Mr. Tiftick does not engage in **any** retaliatory conduct against Ms. Glenn.

Jerome M. Behrens, Esq.  
Law Offices of Lozano Smith  
April 9, 2013  
Page 2

Please contact my office to discuss this matter. To the extent your firm no longer serves as counsel to the District, please advise me of the same and we will forward our correspondences on to Dr. Carlo Prandini.

Very truly yours,

MOSS, TUCKER, CHIU, HEBESHA & WARD PC

By   
Douglas Tucker

DT:djm

cc: Client  
Amanda G. Hebesha, Esq.



June 13, 2013

Douglas Tucker  
Moss Tucker  
5260 N. Palm Avenue, Suite 205  
Fresno, CA 93704

Dear Mr. Tucker,

I would like to thank you, Ms. Hebesha and Mrs. Glenn for taking the time to meet with me on April 26, 2013 regarding complaints pertaining to Jefferson Elementary School Principal, Jeff Tiftick. This letter serves as the District's response under Board Policy 9207 to your letter dated April 4, 2013.

In your letter, you asserted that Mr. Tiftick discriminated against Mrs. Glenn due to her age. In support of this assertion, you mentioned Mr. Tiftick's decision to move Mrs. Glenn from Kindergarten to First Grade for the 2013-2014 school year and cited as an example Mr. Tiftick's alleged statement that learning and using technology "was not her forte."

As a result of Mrs. Glenn's complaint, and as noted above, I met with her on April 26, 2013. In addition, I spoke to or attempted to speak to several individuals Mrs. Glenn identified, and also spoke to Mr. Tiftick and others with relevant information. During my meeting with Mrs. Glenn, she also stated her belief that Mr. Tiftick was divisive and bullying toward staff.

I have investigated the issues raised by Mrs. Glenn in her complaint and during our meeting. The following is a summary of my findings:

#### Age Discrimination

Mr. Tiftick met with Mrs. Glenn and Guidance Instructional Specialist Kathy Blackburn to discuss the upcoming school year enrollment and staffing needs. He shared with Mrs. Glenn that due to student enrollment numbers Jefferson would not be staffing four kindergarten classes for the 2013-2014 school year. Mr. Tiftick also shared that there were two open grade level positions in 1<sup>st</sup> and 5<sup>th</sup> grade for the 2013-2014 school year and each was presented to Mrs. Glenn as a choice for the upcoming school year. Mr. Tiftick also mentioned that if enrollment numbers increased in kindergarten during the remainder of the year and/or through the summer that Mrs. Glenn would be offered a kindergarten position before looking to fill that particular classroom need with another teacher.

Mrs. Glenn questioned why she was being moved instead of another kindergarten teacher. She believed Mr. Tiftick's decision was based on her age because he mentioned that using technology was not her "forte." In your April 4, 2013 letter, this was interpreted as "you can't

#### **Governing Board**

Sandra A. Bengel  
Christopher Casado  
Brian D. Heryford  
Ginny L. Hovseplan  
Richard Lake, C.P.A.  
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Jim Van Volkinburg, D.D.S.

#### **Administration**

Janet L. Young, Ed.D.  
*Superintendent*  
Carlo Prandini, Ph.D.  
*Associate Superintendent*  
Cheryl Rogers, Ed.D.  
*Associate Superintendent*  
Steve Ward  
*Associate Superintendent*

teach an old dog new tricks.” However, during my meeting with Mrs. Glenn she confirmed those were not Mr. Tiftick’s words but how he made her feel.

The investigation did not reveal any facts to support that the decision to move Mrs. Glenn from kindergarten to either 1<sup>st</sup> grade or 5<sup>th</sup> grade for the 2013-2014 school year was based on her age. The grade level change was based on a variety of other factors and considerations. The upcoming 2013-2014 school year’s student enrollment at Jefferson Elementary School will warrant multiple grade level adjustments in the master schedule. These adjustments are based on enrollment and student need. Specifically, Jefferson will have six grade level changes next year and all involve veteran teachers at Jefferson whose ages range from 38 to 64. Each of the six teachers has changed grade level assignments before, and each teacher will be adjusting their grade based on expertise and need for the site based on student enrollment. Mrs. Glenn has experience and an expertise in teaching reading based on her previously teaching 1<sup>st</sup> grade at Jefferson.

#### Divisive and Bullying Behavior

Mrs. Glenn also asserted that Mr. Tiftick was divisive and bullied people. She mentioned as examples that he would call people in for sharing their concerns and berate them. She also alleged he was vindictive and mentioned, as an example, that her room is the only one that does not have a rug and that her request for a rug was turned down even though a newer teacher has a rug in her classroom.

The investigation did not support the contention that Mr. Tiftick engages in divisive and bullying behavior. While some of the people I spoke with at Mrs. Glenn’s request had their own personal issues with Mr. Tiftick, others identified by Mrs. Glenn stated that Mr. Tiftick treated them fairly. In addition, other individuals interviewed spoke favorably of Mr. Tiftick’s leadership. In addition, the climate assessments at Jefferson are strongly supportive of Mr. Tiftick and do not suggest he is divisive, a bully, or vindictive.

#### Conclusion

I appreciate and value the meeting we had on April 26, 2013 and the opportunity to communicate with many individuals with different perceptions and interpretations of the morale and atmosphere at Jefferson Elementary School. Per our meeting, confidentiality precludes my ability to share specific details and matters of a personnel nature. I can directly state that we take all personnel issues very seriously and have thoroughly addressed all of Mrs. Glenn’s concerns regarding this complaint.

I believe this response addresses the issues raised in your letter of April 4, 2013. If you disagree with my assessment, you may submit a written appeal to Dr. Carlo Prandini, Associate Superintendent, School Leadership, within ten (10) days of this response. Thank you.

Sincerely,



Barry Jager

Assistant Superintendent, Clovis Area



Moss, Tucker, Chiu, Hebesha & Ward PC

June 18, 2013

File #10576.00

**Via Facsimile & U.S. Mail:**  
**(559) 327-9339**

Dr. Carlo Prandini  
Associate Superintendent  
Clovis Unified School District  
1450 Herndon Ave.  
Clovis, California 93611

Re: ***Complaint of Discrimination, Harassment, Intimidation, and Bullying  
of Carolyn Glenn, and Other Similarly Situated Employees, by Jeff  
Tiftick***

Dear Dr. Prandini:

This correspondence shall serve as our client's appeal of Mr. Jager's June 13, 2013, assessment of the complaint we submitted on behalf of our client, to the District, back in April. Mr. Jager's assessment perplexes us as it is completely contrary to our own investigation into Mr. Tiftick's treatment of Ms. Glenn, among many others. We have spoken at length with approximately 10-12 teachers, Jefferson Elementary staff members, and a parent who have all either been the object of Mr. Tiftick's discriminatory, harassing and/or bullying conduct or have witnessed his conduct directed at our client and others on numerous occasions. Out of these witnesses we were only able to convince 6 current and retired teachers to come forward and participate in Mr. Jager's investigation. The witnesses who would not come forward at this time stated they feared retaliation from the District for speaking out against Mr. Tiftick's illegal behavior and stated their testimony would be futile as the District would continue to protect him.

Additionally, there were several more teachers who have been subjected to Mr. Tiftick's harassing and discriminatory conduct who were too afraid to speak at length with our office or otherwise participate in our investigation because they too feared the District would retaliate against them or their families for doing so. These individuals also stated that they felt that coming forward was pointless as they believed the District would continue to protect Mr. Tiftick as it has done in the past.

Dr. Carlo Prandini  
Associate Superintendent  
Clovis Unified School District  
June 18, 2013  
Page 2

We are further perplexed by Mr. Jager's assessment as we were present at two of Mr. Jager's interviews and have personal knowledge that this egregious conduct was relayed to him. Moreover, we have recently spoken with some of the witnesses/individuals who agreed to come forward and spoke with Mr. Jager about their experiences with Mr. Tiftick. These individuals confirmed they relayed to Mr. Jager either their experiences of being the object of or witnesses to Mr. Tiftick's discriminatory, harassing and/or bullying conduct. We are dismayed that Mr. Jager's "assessment" fails to give any credence to the testimony of these individuals despite his taking of copious notes throughout the interviews. We are confident that his notes portray a picture that is absolutely contrary to that which he states in his June 13, 2013, assessment. It is our request that you fully review Mr. Jager's entire investigative file, including reviewing all of his interview notes prior to coming to a conclusion. We look forward to receiving your response, to our complaint, on behalf of the Clovis Unified School District.

Also, please be advised we are hereby requesting a copy of Ms. Glenn's entire employee file. Also, we are hereby requesting a copy of Mr. Jager's entire investigation file on this matter. **Lastly, we are requesting the District and each of its schools immediately implement a litigation hold on all documents (paper or electronically stored information, or ESI) and other evidence that are, or may be relevant to this legal matter. The importance of the immediate action of implementing the litigation hold cannot be overstated.**

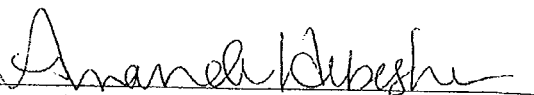
**The notice applies to the entire District's on and off site computer systems and removable electronic media plus all computer systems, services, and devices (including all remote access and wireless devices) used for the District's overall operation. This includes, but is not limited to, e-mail and other electronic communications; electronically stored documents, records, images, graphics, recordings, spreadsheets, databases; calendars, system usage logs, contact manager information, telephone logs, internet usage files, deleted files, cache files, user information, and other data. Further, this notice applies to archives, backup and disaster recovery tapes, discs, drives, cartridges, voicemail and other data. All operating systems, software, applications, hardware, operating materials, codes, keys and other support**

Dr. Carlo Prandini  
Associate Superintendent  
Clovis Unified School District  
June 18, 2013  
Page 3

**information needed to fully search, use, and access the electronically stored information must also be preserved.**

Sincerely,

MOSS, TUCKER, CHIU, HEBESHA & WARD PC

By   
Amanda G. Hebesha

AGH:djm

Enclosures: Moss Tucker April 4, 2013 correspondence  
Moss Tucker April 9, 2013 correspondence  
Clovis Unified June 13, 2013 correspondence

cc: Client  
David Moreno  
Douglas Tucker, Esq.



MEMORY TRANSMISSION REPORT

TIME : 07-22-'13 09:26  
FAX NO.1 : +559-435-3812  
NAME : MOSS TUCKER LAW

FILE NO. : 568  
DATE : 07.22 09:22  
TO : 894875053  
DOCUMENT PAGES : 29  
START TIME : 07.22 09:22  
END TIME : 07.22 09:26  
PAGES SENT : 29  
STATUS : OK

\*\*\* SUCCESSFUL TX NOTICE \*\*\*

**MOSS TUCKER CHIU HEBESHA & WARD PC**  
5260 N. Palm Avenue, Suite 205  
Fresno, California 93704  
Telephone: (559) 472-9922  
Facsimile: (559) 472-9892

**FACSIMILE COVER SHEET**

**Date Sent:** July 22, 2013

**Time Sent:** 9:00am

**Recipient:** U.S. Equal Employment Opportunity Commission

**Facsimile No:** (559) 487-5053

**Sender:** Amanda G. Hebesha, Esq.

**Number of pages transmitted, including this cover sheet:** Twenty-Nine (29)

**Client/File Number:** 10576.00

**Operator:** Debbie J. Merritt

**Mail Original:** ☐ Yes ☐ No

**IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMISSION,  
PLEASE CALL (559) 472-9922 AS SOON AS POSSIBLE. THANK YOU.**

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**Message:**

**Fax filing of charge of employment discrimination by Carolyn Glenn.**